

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2145.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF VANILLA FLAVOR.

On June 28, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Clarence Mihalovitch and Albert Mihalovitch, copartners doing business under the firm name of American Products Co., Cincinnati, Ohio, alleging shipment by them, in violation of the Food and Drugs Act, on November 10, 1911, from the State of Ohio into the State of Indiana, of a quantity of vanilla flavor which was misbranded. The product was labeled: (On carton) "Zanol Concentrated Non-Alcoholic Pure Food Flavors, Food Colors. Compound Vanilla Flavor. American Products Co. Originators, 103 E. Pearl St., Cincinnati, O. U. S. A." (On tube) "Zanol Concentrated Non-Alcoholic Food Flavors. Vanilla, Vanillin, Coumarin Compound Colored with sugar color. Price 25 cts. Serial No. 22115A. American Products Co., Manufacturers, Cincinnati, O., U. S. A. * *."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Vanillin, 2.46 per cent; coumarin, 0.33 per cent; resins, trace; caramel, present; alcohol, none; gums, present; lead precipitate, very small. Misbranding of the product was alleged in the information for the reason that it was labeled and branded, as set forth above, so as to deceive and mislead the purchaser thereof in that the label was calculated and intended to, and did, create the impression and belief in the mind of the purchasers thereof that the product was "Compound Vanilla Flavor," or a compound of vanilla, vanillin, and coumarin, whereas, in truth and in fact, it was an imitation of vanilla extract and artificially colored; and further that the label and brand bore statements regarding the product and the ingredients and substances contained therein, which said statements, "Compound Vanilla Flavor" and "Vanilla, Vanillin, Coumarin Compound, colored with sugar color," were false, misleading, and deceptive in that they purported and represented the product to be a compound or mixture of vanilla, vanillin, and coumarin,

whereas, in truth and in fact, such was not the case, and the product was an imitation of vanilla extract, artificially colored.

On October 1, 1912, the defendants entered a plea of nolo contendere to the information and the court imposed a fine of \$25, with costs of \$14.15.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 26, 1912.*

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